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Of Attorneys for Defendant The City of Ashland

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AMERICAN BUDDHA, an Oregon)	No. 06-CV-3054-PA
Nonprofit Corporation,)	
)	DEFENDANT THE CITY OF
Plaintiff,)	ASHLAND'S OBJECTION TO
)	PLAINTIFF'S MOTION FOR
v.)	EXTENSION OF TIME
)	
THE CITY OF ASHLAND AND THE)	
WASHINGTON POST COMPANY,)	
)	
Defendants.)	

Pursuant to Local Rule 7, defendant the City of Ashland objects to plaintiff's second motion for an extension of time to file its response to defendant's motion for summary judgment. This objection is based on the Affidavit of Joe Franell, the argument set forth below and the pleadings on file herein.

LEGAL ARGUMENT

On December 1, 2006, defendant the City of Ashland filed a motion for summary judgment against all claims brought by plaintiff. Plaintiff requested, unopposed by defendant, an extension of time, through January 29, 2007, to file its response.

On January 28, 2007, without conferring, plaintiff moved for a second extension of time to file its response. The request for the second extension of time is based in part on plaintiff's counsel's involvement in another legal matter in San Mateo County Superior Court, to which

defendant has no response. It is also based on the claim that Ashland Fiber Network shut off American Buddha's Internet modem, which apparently also serves plaintiff's counsel's own website and email.

As set forth in the Affidavit of Joe Franell, this statement is untrue. At no time did Ashland Fiber Network shut off the modem serving either plaintiff or plaintiff's counsel's website or email, as represented in the Declaration. To the extent the court considers this claim as basis for an additional extension of time, it should be denied.

Respectfully submitted this 31st day of January, 2007.

HOFFMAN, HART & WAGNER, LLP

By: /s/ Karen O'Kasey
Karen O'Kasey, OSB No. 87069
Of Attorneys for Defendant the City of Ashland

CERTIFICATE OF SERVICE

I hereby certify that, on this 31st day of January, 2007, I served the foregoing
DEFENDANT THE CITY OF ASHLAND'S OBJECTION TO PLAINTIFF'S MOTION FOR
EXTENSION OF TIME as follows:

Charles Carreon, Esq.
Online Media Law, PLLC
423 Gateway Drive, #64
Pacifica, CA 94044
Attorney for Plaintiff

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey
Karen O'Kasey